

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA Plaintiff  v.  JAVIER NIEVES ALVAREZ Defendant	CRIMINAL NO. 99-186 (JAF)
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**MOTION SUBMITTING EXCUSE FOR NON-APPEARANCE**

TO THE HONORABLE COURT:

Comes now the undersigned attorney and very respectfully states and prays:

1. On the evening of November 29<sup>th</sup>, while reviewing all our CM/ECF notifications, we realized that there was a revocation of supervised release hearing scheduled for earlier that date.
2. Since we did not have that hearing noted in our calendar, immediately we entered into the CM/ECF system and learned that the notification of the hearing was entered in October 25<sup>th</sup>, 2007.
3. Very respectfully we submit to the court that we don't recall having received and/or reviewed said notification, thus we did not make an entry of it in our calendar. Had we been aware of the hearing we would have certainly attended the same; moreover, since at the time of the hearing we were in our office. We apologize to the court for any inconvenience we may have caused and submit that it was an unintended and involuntary omission from our part.

WHEREFORE, it is respectfully requested that this Honorable Court take notice of the above and excuse our non-appearance.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico this 1<sup>st</sup> day of December, 2007.

I HEREBY CERTIFY that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorneys of record. I further certify that on this date, I have send by mail the foregoing document, to the following non CM/ECF participants: N/A

*s/ MARIÁNGELA TIRADO-VALES*  
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